



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,936	09/15/2003	Syed Mohammad Amir Husain	5602-11900	2029

7590 04/04/2007
Jeffrey C. Hood
Meyertons, Hood, Kivlin, Kowert & Goetzel
P.O. Box 398
Austin, TX 78767

EXAMINER

WILSER, MICHAEL P

ART UNIT	PAPER NUMBER
----------	--------------

2109

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/662,936

Applicant(s)

HUSAIN ET AL.

Examiner

Michael Wilser

Art Unit

2109

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/16/04 & 11/26/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to the original filing of September 15, 2003. Claims 1-30 are pending and have been considered below.

Information Disclosure Statement

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892 or on one of the two IDS disclosures filed with the office on August 16, 2004 or November 26, 2004, they have not been considered.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 129 in Figure 1, 131 in Figure 1, 133 in Figure 1, 309 in Figure 3, 1501 in Figure 15, 1603 in Figure 16, and 1605 in Figure 16.

3. The drawings are objected to because Figure 26 lacks reference characters for the different features that are described in the specification.

4. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

5. The disclosure is objected to because of the following informalities: the examiner notes the use of acronyms (e.g. I/O, API, XML, etc.) throughout the specification without first including a description in plain text, as required.
6. On page 19, line 16 of the specification the applicant states that Figure 3 has interface logic designated by reference character 303. In Figure 3, reference character 303 identifies the "Human Interface Logic" whereas reference character 302 identifies

the "Interface Logic". The applicant also uses reference character 302 on page 19, line 15 of the specification to represent interface logic. It would appear in the specification that interface logic has been assigned two different reference characters however upon referencing Figure 3 the examiner is interpreting the specification to have meant "human interface logic 303" and believes the specification should read as human interface logic.

7. On pages 59 and 60 of the specification the applicant describes what Figure 26 is supposed to represent. However, the applicant does not provide any reference numbers as required to particularly point out the different parts of the figure that are being discussed. For example both the dialog box and result screen should have reference numbers associated with these items.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

8. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 11-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 11-20 are drawn to a carrier medium, which the applicant has defined in the specification (page 63, lines 1-6) to encompass an electrical, electro magnetic, or digital transmission signal. The Office considers an electronic signal to be a form of energy. Energy is not a series of steps or acts and thus is not a process. Energy is not a physical article or object and as such is not a machine

Art Unit: 2109

or manufacture. Energy is not a combination of substances and therefore not a compilation of matter. Thus, an electronic transmission signal does not fall within any of the four categories of invention. Therefore, Claims 11-20 are not statutory.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-3, 8-13, 18-23, and 28-30 rejected under 35 U.S.C. 102(b) as being anticipated by Bird et al. (EP 1,043,671).

Claims 1, 11, and 21: Bird discloses a method, medium, and system comprising:

- a. computer system comprising a CPU and memory (column 6, paragraph 21);
- b. one or more additional computers comprising a CPU and memory (column 6, paragraph 21);
- c. computer system and additional computer are coupled via a network (column 6, paragraph 21);
- d. memory stores instructions executable by the CPU (Figure 1);
- e. entering and receiving user input to an application on computer to request performance of a task (column 11, paragraph 3);

- f. generating a message in response to input which comprises executable instructions to perform a task (column 12, paragraph 46);
- g. storing the message in a message log (column 2, paragraph 14);
- h. translating message from original format to a portable format (column 1, paragraph 4);
- i. retrieving portable message from message log (column 2, paragraph 14); and
- j. executing instructions to perform task again on one of the additional computers (column 13, paragraph 49).

Claims 2, 12, and 22: Bird discloses a method, medium and system as in Claims 1, 11, and 21 above, and further discloses that the task is performed in response to user input (column 11, paragraph 43).

Claims 3, 13, and 23: Bird discloses a method, medium, and system as in Claims 1, 11, and 21 above, and further discloses that the portable message comprises XML (column 11, paragraph 41).

Claims 8, 18, and 28: Bird discloses a method, medium, and system as in Claims 1, 11, and 21 above, further discloses that the message log comprises a queue (column 9, paragraph 32).

Art Unit: 2109

Claims 9, 19, and 29: Bird discloses a method, medium, and system as in Claims 1, 11, and 21 above, and further discloses of sorting the message lock by elements of the metadata (column 1, paragraph 3).

Claims 10, 20, and 30: Bird discloses a method, medium, and system as in Claims 1, 11, and 21 above, and further discloses that the message is generated through a distributed computing infrastructure (column 4, paragraph 15).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 4-7, 14-17, and 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bird et al. (EP 1,043,671) in view of Pabla et al. (US 7,127,613).

Claims 4, 14, and 24: Bird discloses a method, medium, and system as in Claims 1, 11, and 21 above, and further discloses of performing the requested task on a second computer (column 13, paragraph 49). However, he does not explicitly disclose of sending the portable message using peer-to-peer message passing from the first computer to a second computer. However, Pabla discloses a similarly linked network (Figure 1a & 1b) that does use peer-to-peer to send a message between the two

Art Unit: 2109

computers (column 1, lines 66-67 & column 2, lines 1-15). Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to have used peer-to-peer as the message passing in Bird. One would have been motivated to use peer-to-peer since it is a known communication protocol for transmitting a message from one computer to another in the computing arts.

Claims 5, 15, and 25: Bird and Pabla disclose a method, medium, and system as in Claims 4, 14, and 24 above, and Bird further discloses that the second computer routes the portable message to the target application on the second computer based on the metadata which comprises identifying characteristics of the source application (column 4, paragraph 15 & 16).

Claims 6, 16, and 26: Bird and Pabla disclose a method, medium, and system as in Claims 4, 14, and 24 above, and Pabla further discloses that peer-to-peer message passing comprises broadcast peer-to-peer message passing (column 16, lines 61-67 & column 17, lines 1-28). Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to have broadcast peer-to-peer message passing be the message passing in Bird. One would have been motivated to use broadcast peer-to-peer message passing since sending a message from one computer to at least one or more additional computers is well known within the computing arts and is a known form of message passing.

Art Unit: 2109


Claims 7, 17, and 27 Bird and Pabla disclose a method, medium, and system as in Claims 4, 14, and 24 above, and Pabla further discloses that peer-to-peer message passing comprises multicast peer-to-peer message passing (column 16, lines 34-42). Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to have used multicast peer-to-peer message passing as the message passing in Bird. One would have been motivated to use multicast peer-to-peer message passing since sending a message to a particular group of computers is a known practice within the computing arts and is a known form of message passing.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Wilser whose telephone number is (571) 270-1689. The examiner can normally be reached on Mon-Fri 7:30-5:00 EST (Alt Fridays Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Myhre can be reached on (571) 270-1065. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


MPW
March 28, 2007


James Myhre
Supervisory Patent Examiner